

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

GENEVA SMITH-JOHNSON,

Plaintiff,

v.

ORDER
05-CV-132A

ANTHONY J. PRINCIPI,
Secretary U.S. Department
of Veterans Affairs,

Defendant.

This case was referred to Magistrate Judge Hugh B. Scott pursuant to 28 U.S.C. § 636(b)(1). On June 30, 2005, defendant filed a motion for summary judgment. On September 2, 2005, Magistrate Judge Scott filed a Report and Recommendation, recommending that defendant's motion for summary judgment be granted and that the amended complaint be dismissed.

Plaintiff filed objections to the Report and Recommendation on September 12, 2005, and the defendant filed a response thereto. Oral argument on the objections was held on November 18, 2005.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and

Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, defendant's motion for summary judgment is granted and plaintiff's amended complaint is dismissed. The Clerk of Court is directed to enter judgment and to take all steps necessary to close this case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: December 16, 2005